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Metropolitan Life Insurance Company

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CORLISS LEE,
Plaintiff,
vs.

METROPOLITAN LIFE INSURANCE
COMPANY, INC., a New York
Corporation; and DOES 1 through 50,
Defendants.

CASE NO.: CV 13-05458 VC
Honorable Vince Chhabria

**PARTIES' STIPULATION TO
EXTEND DISCOVERY CUT-OFF
BY THREE WEEKS**

Complaint Filed: September 19, 2013

1 Plaintiff CORLISS LEE (“Plaintiff”) and Defendant METROPOLITAN LIFE
2 INSURANCE COMPANY (“MetLife”) (collectively “Parties”), by and through their
3 respective counsel of record, hereby stipulate to extend the discovery cut-off date by
4 thee weeks, from January 9, 2014 through January 30, 2014.

5 Good cause exists for this extension as the Parties have been actively engaged
6 in completing written discovery and depositions for several months, however, they
7 have been unable to complete the depositions due to the failure of two witnesses to
8 appear in response to subpoenas, the need to complete a deposition begun but not
9 finished, and the difficulty locating a former employee.

10 The Court previously granted the parties’ request to continue the discovery
11 cutoff one month, from December 10, 2014 to January 9, 2015. Counsel for the
12 parties made a diligent effort to complete discovery by the January 9, 2015 deadline,
13 but given the circumstances described above, coupled with the difficulty arranging
14 schedules during the holiday season, not all discovery was completed.

15 Specifically, two percipient witnesses who were subpoenaed to appear for their
16 depositions failed to appear, on December 9, 2014. In addition, a party’s deposition
17 was suspended in order to complete the questioning pertaining to documents which
18 were not available at the deposition. Further, a retired employee of defendant has
19 been difficult to locate and schedule for her deposition, and a non-employee
20 consultant of defendant has similarly been difficult to locate and schedule for his
21 deposition. Finally, by continuing the discovery cutoff, the parties will be permitted
22 to examine the remaining deponents with respect to the contents of an Independent
23 Medical Examination being conducted on January 5, 2015.

24 These conflicts made it impossible for the parties to complete all depositions
25 by January 9, 2015. Counsel for both parties believe the remaining depositions can
26 be completed before January 30, 2015. To ensure the Parties are able to complete the
27 mutually desired discovery, and that neither party is prejudiced by unavoidable
28 conflicts, the Parties stipulate to a twenty-one-day extension of the discovery cut-off.

1 The requested extension of the discovery deadline to January 30, 2015 will not
2 impact any of the previously set deadlines or trial date.

3
4 IT IS SO STIPULATED.

5
6 Dated: January 5, 2015

GATES EISENHART DAWSON

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8 By: */s/ Nicholas G. Emanuel* _____
9 Nicholas G. Emanuel
Attorneys for Plaintiff Corliss Lee

10 Dated: January 5, 2015

HINSHAW & CULBERTSON, LLP

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12 By: */s/ Royal F. Oakes* _____
13 ROYAL F. OAKES
14 MICHAEL A.S. NEWMAN
15 JAMES C. CASTLE
16 Attorneys for Defendant
Metropolitan Life Insurance
Company

ORDER

Pursuant to the parties' stipulation, and good cause appearing, the discovery cut-off is extended to January 30, 2015.

IT IS SO ORDERED:

Dated: January 6, 2015

